

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

X

MICHAEL CAPUTO,

Petitioner,

Civil Action No. 04-10732-JLT

vs.

KENNETH NELSON,

Respondent.

X

**ASSENTED-TO MOTION FOR EXTENSION OF TIME IN WHICH TO
RESPOND TO PETITION FOR WRIT OF HABEAS CORPUS**

The respondent, Kenneth Nelson, through counsel, now appears and requests an extension of the time in which he must file a motion to dismiss or other responsive pleading in response to the petition for writ of habeas corpus for a period of thirty (30) days, up to and including June 12, 2004. In support of the motion, the respondent states that, pursuant to this Court's order, an answer or other responsive pleading is currently due to be filed by May 13, 2004. The undersigned assistant attorney general is still awaiting receipt of the state materials concerning the petitioner's conviction, which are necessary for counsel to review before formulating an appropriate response to the petition. Moreover, the petitioner's counsel has given his assent to this motion.

WHEREFORE, the respondent respectfully requests that this Court grant him until June 12, 2004, to file a responsive pleading to the petition for writ of habeas corpus.

Respectfully submitted,

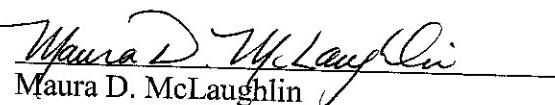
THOMAS F. REILLY,
ATTORNEY GENERAL


Maura D. McLaughlin
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Dated: May 12, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of May, 2004, served a true and accurate copy of the foregoing pleading on counsel for the petitioner, Michael Caputo, by depositing a copy in the office repository for collection and delivery by first class mail, postage prepaid, to the petitioner's counsel at the following address: John J. Courtney, Esq., 90 Salem Street, Malden, Massachusetts, 02148.


Maura D. McLaughlin